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Assouad

Attorney Docket No.: G0582-991101

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

Applicant: Robert Goldman

JAN 20 1998

Serial No: 08/819,497

Group Art Unit: 2414

GROUP 2200

Filed: March 17, 1997

Examiner: P. Assouad

Title: SELECTION AND RETRIEVAL OF MUSIC FROM A DIGITAL DATABASE

* * *

TERMINAL DISCLAIMER TO OBLIGATE A DOUBLE PATENTING
REJECTION UNDER 37 C.F.R. § 1.321

APPROVED

THE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, D.C. 20231

JAN 31 1998

Sir:

OFFICE OF THE SPECIAL
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See Page 2

Petitioner is the owner of a 100 percent interest in the instant application by virtue of the fact that petitioner is the sole inventor of the instant application and the application has not been assigned. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,629,867. Petitioner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full

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statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

✓ The \$ 55.00 (Fifty-five dollar) fee for a Small Entity for this Terminal Disclaimer under 37 C.F.R. §1.20(d) may be charged to Deposit Account No. 07-1896. A duplicate copy of this terminal disclaimer is attached.

Please address all communications regarding this application to:

GRAY CARY WARE & FREIDENRICH
Patent Department
Attn: Timothy Lohse
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Please direct all telephone calls to Timothy Lohse at (650) 833-2159.

Any other fee due for this Amendment may be charged to Deposit Account No. 07-1896.

Respectfully submitted,

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Dated: December 31, 1997

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